

SN 10/808,173
Docket No. S-102,304
In Response to Office Action dated September 12, 2006

AMENDMENTS TO THE DRAWING

Please replace Figure 1 with "Replacement Sheet" Figure 1 which labels the load cell assembly as character 4. No new matter is included.

REMARKS

Claims 1-12 are pending in this application. Claims 10-12 are withdrawn from consideration. Claims 1-9 have been considered on the merits and are rejected as detailed below. Figure 1 "Replacement Sheet" is included. A petition and fee for a two-month extension is included.

Applicants also note that the published application (US-2005-0213427-A1) contains two typographical errors located in paragraph number [0023] and [0036]. In both instances the word "Theological" mistakenly appears instead of the word "rheological." Applicants kindly request these errors be corrected.

1. Election/restriction

In reply to the restriction requirement of September 12, 2006, the applicant affirms the election of Group I.

2. Claim rejection under 35 USC § 102(b)

Claims 1 and 4-7 were rejected under 35 USC § 102(b) as anticipated by Edwards et al. (US 2002/0101785). Applicants traverse the rejections because each and every element of the claimed invention is not disclosed in a single, enabling reference as required by 35 USC § 102(b).

Claim 1 is currently amended to include the limitation of "a load cell assembly secured to said movable assembly adapted for recording a force measurement taken during the exchange of a sample volume between said first syringe and said second syringe through said capillary tube." Claim 4 is also amended to include a similar limitation. The amendments to claim 1 and claim 4 are supported by Figure 1 and the following paragraphs:

Page 2. The present invention uses a load cell force measurement taken during the exchange of the sample volume between two syringe chambers connected by a capillary (syringe assembly) to determine viscosity.

Page 5. Attachment lug 75 may be attached to a load cell (not shown) that is provided with a means for providing reciprocating motion of movable assembly 2.

Page 7. Rheological measurements, including kinematic and dynamic viscosity, shear rate, velocity through capillary, and wall stress of the sample, are determined by knowing the applied force (as given by an attached load cell) and calculating for a fixed volume that passes through a known orifice (capillary tube) at a controlled rate.

Claims 1 and 4 recite the limitation of a load cell assembly adapted for recording a force measurement. Conversely, Edwards does not include a load cell assembly. Because each and every element of the claimed invention is not disclosed in a single, enabling reference as required by 35 USC § 102(b), the rejection is improper. Therefore, Applicants kindly request the rejection be withdrawn.

Claims 5-7 depend from claim 4. Because Edwards fails to disclose each and every element of claim 4, then Edwards similarly fails to disclose each and every element of claims 5-7. Therefore, Applicants kindly request the rejection be withdrawn.

3. Claim rejection under 35 USC § 103(a)

Claims 2, 3, 8 and 9 were rejected under 35 USC § 103(a) as obvious over Edwards in view of Todd et al. (US 3,035,820). Claims 2 and 3 depend from claim 1, and claims 8 and 9 depend from claim 4. Because claims 1 and 4 are not obvious over Edwards in view of Todd, then the additional limitations of 2, 3, 8, and 9 are similarly not obvious. Therefore, Applicants kindly request the rejection be withdrawn.

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Even if claims 1 and 4 had been rejected under 35 USC § 103(a) as obvious over Edwards in view of Todd et al. (US 3,035,820), the rejection would be improper because the references in combination do not teach or suggest the addition of a load cell assembly adapted for recording a force measurement. Therefore, Applicants kindly request the rejections be withdrawn.

For convenience, the above remarks generally track the various titled sections of the September 12, 2006 Office Action to which this correspondence is responsive.

Respectfully submitted,

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Holly L. Hydeman
Signature of Attorney

Reg. No. 59,740
Phone (505) 665-0200

Holly L. Hydeman
Los Alamos National Laboratory
LC/IP, MS A187
Los Alamos, New Mexico 87545